

SEP 13 2006

Application No. 09/699,224  
Amendment dated September 13, 2006  
After Final Office Action of December 29, 2005

Docket No.: BOS/3

**REMARKS****Interview Summary**

Applicants' attorney and agent, Margaret Pierri and Jesse Fecker, thank the Examiner for the courtesies extended during the telephonic interview conducted August 28, 2006. Applicants make that interview of record herein. During the interview, the Examiner indicated that claim 1 would most likely be allowable if SEQ ID NO:1 were incorporated. In addition, the Examiner indicated that withdrawn claims 24-31 would most likely be rejoined pursuant to *In re Ochiai*.

**Claim Status and Amendments**

Claims 1, 3-10, 12, 13, 15, 16 and 24-31 are pending. Claims 1-10, 12, 13 and 15 are rejected. Claim 16 is allowed. Claims 24-31 are withdrawn from consideration. Claims 1, 4, 8-10, 13, 15, 24-26 and 30 are amended herein. Claims 2 and 17-23 are cancelled herein; claim 2 is cancelled in view of the amendment to claim 1 and claims 17-23 are cancelled pursuant to the Restriction Requirement. Applicants reserve the right to pursue the subject matter contained in these claims in a future continuation or divisional application.

All claim amendments made herein are made relative to the Amendment filed September 19, 2005 because the Advisory Action mailed July 10, 2006 indicated that the Amendment filed June 21, 2006 would not be entered for purposes of appeal.

Claim 1 has been amended to refer to SEQ ID NO:1.

Claim 13 has been amended to delete the recitation "antigen-binding" and to replace "monoclonal antibodies" with the phrase "a monoclonal antibody."

Claims 4, 8-10, 13, 15, 24-26 and 30 have been amended to eliminate multiply dependent claims depending upon multiply dependent claims and dependencies on cancelled claims.

No new matter has been added.

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Objection to the Drawings

Replacement Drawings, which incorporate the Amendments to the Drawings made August 26, 2003, are being submitted herewith. Applicants believe that the Replacement Drawings address all informalities noted in the drawings. Withdrawal of the objection is respectfully requested.

Rejections Withdrawn

Applicants acknowledge, with appreciation, the Examiner's withdrawal of various prior claim rejections under 35 U.S.C. § 112, second paragraph, as well as under 35 U.S.C. §§ 102(b) and 103(a).

New or Modified Rejections

Rejection of Claim 13 and Those Dependent Therefrom Under 35 U.S.C. § 112, First Paragraph

Claim 13 and those dependent therefrom stand rejected under 35 U.S.C. § 112, first paragraph, "as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention." The Examiner contends that the recitation "antigen-binding" constitutes new matter.

In order to expedite allowance of this application, applicants have deleted the phrase "antigen-binding" from the claims, thereby obviating the rejection. Nevertheless, applicants maintain that the deleted phrase is supported by the specification and that those of skill in the art would appreciate that the recited fragments are inherently antigen-binding, based upon the context of the claims. Withdrawal of the rejection is respectfully requested.

Rejection of Claims 13 and 15 Under 35 U.S.C. § 112, Second Paragraph

Claims 13 and 15 stand rejected under 35 U.S.C. § 112, second paragraph, "as indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention." The Examiner contends that claim 13 is "vague, indefinite and confusing" in the limitation hybridoma cell lines having the specific immunological reactivity of monoclonal antibodies produced by hybridoma cell line HB 11311 as deposited with the ATCC.

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The Examiner questions whether the recitation means that the recited hybridoma cell line produces more than one type of monoclonal antibodies.

Applicants believe that the claim is clear as written because one skilled in the art would understand that a hybridoma generally only produces one type of monoclonal antibody. Accordingly, use of the plural "monoclonal antibodies" would be interpreted by one skilled in the art to mean that the hybridoma produces multiple copies of antibodies and not multiple types of antibodies. Nevertheless, applicants have amended claim 13 to replace the phrase "monoclonal antibodies" with --a monoclonal antibody--. Reconsideration and withdrawal of the rejection are respectfully requested.

Rejection of Claims 1-3, 10, 12, 13 and 15 Under 35 U.S.C. § 102(b)

Claims 1-3, 10, 12, 13 and 15 stand rejected under 35 U.S.C. § 102(b) as anticipated by Kufer *et al.* (WO 98/46645).

Claim 1, upon which claims 2-3, 10, 12, 13 and 15 depend, has been amended to recite that the claimed isolated peptide mimic comprises the amino acid sequence of SEQ ID NO:1. Kufer *et al.* do not disclose a peptide mimic comprising the amino acid sequence of SEQ ID NO:1. Accordingly, claim 1 is not anticipated by Kufer *et al.* Reconsideration and withdrawal of the rejection are respectfully requested.

Rejection of Claims 4-9 Under 35 U.S.C. § 103(a)

Claims 4-9 stand rejected under 35 U.S.C. § 103(a) over Kufer *et al.*, in view of Huang *et al.* (*Mol. Immunol.* 31: 1191-1199, 1994) and Tam (in *Peptide Antigens: A Practical Approach*. G.B. Wisdom (Ed.). IRL Press, Oxford University Press, New York, pp. 83-90, 1994). The Examiner asserts that it would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to modify Kufer *et al.*'s peptide as a multiple antigen peptide, in view of Huang *et al.* and Tam. However, as discussed above, Kufer *et al.* do not teach the claimed peptide mimics comprising the amino acid sequence of SEQ ID NO:1. Thus, even if Kufer *et al.* is combined with Huang *et al.* and Tam, the result does not teach or suggest the peptide mimics of applicants' claims. Therefore, claims 4-9 are not *prima facie* obvious over the cited art. Reconsideration and withdrawal of the rejection are respectfully requested.

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peptide mimics of applicants' claims. Therefore, claims 4-9 are not *prima facie* obvious over the cited art. Reconsideration and withdrawal of the rejection are respectfully requested.

Withdrawn Claims

Applicants respectfully request rejoinder of withdrawn claims 24-31 pursuant to MPEP § 821.04(b). Claims 24-31 include all the recitations of claim 1, which applicants believe to be allowable.

Applicants believe no fee is due with this response, aside from the fee associated with the Petition for Extension of Time and the Multiple Dependent Claims. However, if an additional fee is due, please charge our Deposit Account No. 06-1075, from which the undersigned is authorized to draw, under Order No. 003591-0004.

CONCLUSION

Applicants request that the Examiner enter the amendments and consider the foregoing remarks and pass the application to issue.

Dated: September 13, 2006

Respectfully submitted,

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